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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,994	02/08/2002	Jochen Ziegler	20 01 0281	2013

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Paul D. Greeley, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,994

Applicant(s)

ZIEGLER ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the second office action for U.S. Application 10/071,994 for a Supporting Device for a Portable Device filed by Jochen Ziegler on February 8, 2002.

Claim Rejections - 35 USC § 102

Claims 1, 3, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,196,674 to Van Laarhoven. Van Laarhoven discloses a supporting device for a portable device that has a supporting plate (36) and a supporting frame (32 and 38). The supporting frame has a first end that can be mounted on a base and a second end (at the end of 38) that is adjustably arranged in a sliding guide (35) located at the supporting plate. There is a lever (45) with a first end pivotally mounted at the supporting frame between the first end and the second end (at 48), around a first swivel axis that runs parallel to the base. The lever has a second end pivotally mounted on the supporting plate below the sliding guide around a second swivel axis running parallel to the first swivel axis (at 46). The sliding guide has a locking recess (40) along an edge bordering the support plate and the second end of the supporting frame is movable along the sliding guide, to vary a distance between the second end of the supporting frame and the first end, thereby engaging the locking recess to support a device.

The supporting frame can be adjusted to a position in which the supporting frame rests with a first side of the frame on the base and wherein the supporting plate, with a supporting area above the sliding guide, rests on a second side of the supporting frame. The supporting frame can be adjusted to a position in which the supporting frame rests with a first side of the supporting frame on a side of the supporting plate facing the

supporting plate, and wherein the lever runs mostly parallel to the first side of the supporting frame and mostly parallel to the side of the supporting plate between the frame and plate. The frame also has a side with a recess into which the lever extends and the plate has a recess into which the supporting frame is arranged while not in use (see fig. 3).

Claims 1-7 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,366,197 to Westland. Westland discloses a plastic (see col.5, lines 17-22) supporting device (10) that could support a portable device. The supporting device has a supporting plate (24) that is integral or can be attached to a device. There is a supporting frame (16) that can be mounted to a base at a first end and a second end that is adjustably arranged in a sliding guide (portion containing parts labeled 74) located at the supporting plate. Westland discloses a lever (18) with a first end that is pivotally mounted around a first swivel shaft (at 76) between the ends of the supporting frame and a second end pivotally mounted to the supporting plate below the sliding guide around a second swivel shaft (at 72) running parallel to the first swivel shaft. The sliding guide has at least one locking recess (66) along the edges bordering the support plate of the device, in which the second end of the supporting frame is movable to engage the locking recess (via 67) and vary the distance between the first end of the lever and the second end of the supporting frame.

The end of the supporting frame arranged in the sliding guide is pivotally mounted around a third swivel shaft (at 67) which runs parallel to the first swivel shaft and is arranged adjustable perpendicularly to the first swivel shaft along the supporting

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plane. The supporting frame can be adjusted to a nonuse position, wherein the supporting frame rests with its inside on a reverse side of the supporting plate facing the supporting frame, and in which the lever runs mostly parallel to the inside of the supporting frame and parallel to the reverse side of the supporting plate between the two. The supporting frame is located in a recess in the reverse side of the supporting plate and the lever extends into a recess in the interior of the supporting frame (inside of 78) when the device is in the nonuse position. The device is separate from the supporting device, but becomes integral when attached to the quick connector (100 and 102) that secures the two.

Claim Rejections - 35 USC § 103

Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westland in view of Van Laarhoven. Westland discloses first and second sliding guides (each portion containing part 74). The frame disclosed by Westland forms a U-shape (the top portion 64, in conjunction with 60) and the extensions (each side of 16) are pivotally connected to the sliding guide (at 64 and 66), as well as the lever. The supporting device disclosed by Westland does not have a second lever, although the one lever is pivotally connected to both the first and second sliding guides at each side. Van Laarhoven discloses a supporting frame and supporting plate arrangement connected by first and second levers. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized first and second levers,

as taught by Van Laarhoven, in place of the lever taught by Westland, for the purpose of providing structural flexibility between the supporting frame and supporting plate.

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westland in view of Applicant's disclosure. Westland does not disclose a supporting device that supports a device for testing components of electrical circuits or optical networks, such as a TDR, OTDR, or WDM. However, Applicant discloses (page 1, lines 18 and 19) that swivel devices to be mounted to the back of this type of equipment are known. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have used the swivel device taught by Westland to support a device for testing components of electrical circuits or optical networks, because it is known in the art to use swivel devices to support such equipment, and therefore the type of swivel device used is a matter of engineering preference.

Response to Arguments

Applicant's arguments filed May 29, 2003 have been fully considered but they are not persuasive. Applicant argues that the second end of the frame taught by Westland is fixed to the sliding guide and therefore the distance between the second end of the supporting frame and the first end of the lever cannot be varied. However, the bores 66 and 64 are only fixed when pin 67 is inserted and the link 18 can be removed from the bores 74. The second end of the frame can be moved along the sliding guide when the pin is not inserted and therefore the distance between the first end of the lever and the second end of the frame can be varied.

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.


Steven Marsh

August 11, 2003


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER